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In re Application of
Tokura, et al.
Application No. 10/026,947
Filed: December 27, 2001
Attorney Docket No. P 290571 T7KK-01S0454-1
FOR: RAMP FOR MAGNETIC READ/WRITE
APPARATUS AND MAGNETIC READ/WRITE
APPARATUS USING THE SAME

OFFICE OF PETITIONS
DECISION GRANTING
PETITION

This is a decision on the reconsideration petition under 37 CFR 1.137(a), filed June 27, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed February 8, 2002, which set an extendable period for reply of two (2) months. Having obtained no extensions of time under 37 CFR 1.136(a), this application became abandoned on April 9, 2002 for failing to reply. Applicants' petition to revive under 37 CFR 1.137(a), filed April 15, 2003, was dismissed on May 5, 2003 for failure to show the entire delay in responding to the February 8, 2002 Notice was unavoidable. The filing of the instant petition precedes the mailing of A Notice of Abandonment.

Petitioners have provided adequate evidence to show that the delay in submitting the basic filing fee, oath, and surcharge was unavoidable. Petitioners have provided a copy of the electronic docketing records for the above-identified application that shows the February 8, 2002 Notice was not entered until April 15, 2003, the date that petitioners filed their first petition to revive. Had the February 8, 2002 Notice been received, there would have been an entry that was created much earlier than the April 15, 2003 entry. Petitioners have referenced the electronic docketing records in a practitioner's statement. In addition, petitioners have submitted a copy of the logbook of all incoming mail from the USPTO from February 8, 2002 through February 18, 2002. The logbook contains no entry for the above-identified application.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
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Office of Petitions